

**IN THE U.S. DISTRICT COURT FOR MARYLAND,  
SOUTHERN DIVISION**

BEYOND SYSTEMS, INC.	)	
	)	
Plaintiff	)	
v.	)	Case No. PJM 08 cv 0921
	)	
WORLD AVENUE USA, LLC, et al.	)	
	)	
Defendants	)	
_____	)	

**PETITIONER WORLD AVENUE USA, LLC'S APPLICATION AS TO AMOUNT OF  
ATTORNEYS' FEES**

Pursuant to this Court's Order dated October 7, 2010, Defendant WORLD AVENUE USA, LLC ("WAUSA"), by hereby submits its Application As to Amount of Attorneys' Fees awarded by this Court against Plaintiff BEYOND SYSTEMS, INC. ("BSI").

On October 7, 2010, the Court granted WAUSA's Motion to Compel Production of Documents Responsive to Fourth Request for Production. *See* DE 441. The Court ordered WAUSA to "file a Declaration of Attorney's Fees and Costs incurred in connection with the Motion." The Court's Order was based on the following finding:

Based on the conduct outlined in the memorandum in support of Defendant's Motion, the Court finds that an award of sanctions is merited and that Plaintiff's Opposition to Defendant's Motion was not substantially justified.

*See* DE 441.

The subject Order is just one of four Orders in which BSI and related parties have been sanctioned in this case and its companion case pending in the U.S. District Court for the District of Columbia, *World Avenue USA, LLC v. William J. Wagner*, Miscellaneous No. 09-557 (HHK/AK), (U.S. District Court, District of Columbia) ("District of Columbia Action"). In the companion District of Columbia Action, the Court Order stated:

Given the revelation of responsive documents during the deposition [of William J. Wagner], Respondent's repeated failure to disclose their existence, and his refusal even now to adequately excuse that failure, this Court finds it appropriate to award Petitioner [World Avenue USA, LLC] costs and attorneys' fees related to responding to this instant renewed motion for sanctions.

*See* District of Columbia Action, DE 21, p. 9.

In addition to the underlying Order at issue here, this Court also entered a second Order sanctioning BSI for discovery violations in connection with the Motion to Compel Answers to Third Set of Interrogatories. *See* DE 444. The fourth time the Court sanctioned BSI for a meritless Motion to Seal. *See* DE 468.

WAUSA incurred \$12,646.00 in attorneys' fees in connection with the Motion to Compel Production of Documents Responsive To Fourth Request For Production. A copy of a Proposed Order is attached.

**WHEREFORE**, Defendant WORLD AVENUE USA, LLC respectfully requests entry of judgment against Plaintiff BEYOND SYSTEMS, INC. in the amount of \$12,646.00, plus statutory interest, with a reservation of jurisdiction to receive a further Application of attorneys' fees and costs incurred in connection with Plaintiff BEYOND SYSTEMS, INC.'s now-pending Motion for Reconsideration of the Court's Order, and for such other and further relief as this Court deems just and appropriate.

Dated: October 28, 2010

Respectfully submitted,  
*Attorneys for World Avenue USA, LLC*

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